

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-8 and 11-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Allewaert et al. (US 6162369).

Allewaert et al. discloses a fluorochemical composition, which is used to impart stain and water resistance properties to a substrate. The composition comprises a fluorochemical oligomer which is formed by free radical oligomerization of fluorochemical monomers with a hydrocarbon monomer. The fluorochemical monomers comprise a fluoroaliphatic radical having 3 – 18 carbon atoms (col. 4, lines 31-49), an organic divalent linking group (col. 4, line 66 – col. 5, line 4) and a free radically polymerizable groups that contain an ethylenically unsaturated moiety capable of polymerization with itself or each other (see col. 5, lines 10-18 and see col. 5, lines 30-36). The hydrocarbon monomer can be vinylchloride and vinylidene chloride (see col. 6, lines 8-16). The composition is applied to the substrate in an amount of 0.01-5% by weight based on the weight of the substrate (col. 9, line 31-37). The composition can be applied to substrates such as plastic, metal, glass, fibrous materials such as textile fabrics, wood, non-wovens and paper (col. 10, lines 11-15). Allewaert et al. teaches that the fluorochemical compositions prepared have good stain release properties

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particularly for oily stains and water based stains (see abstract, col. 9, lines 46).

Allewaert et al. further states that the composition is preferably used as an aqueous emulsion (see col. 9, line 17). For the molar percentages see examples as required by claims 1-3 and 12.

In regards to claim 4,

Allewaert et al. teaches the use of cure sites (see col. 7, lines 56-61 and col. 9, lines 56-65).

In regards to claim 5,

Allewaert et al. teaches the optional units having Rh-L-Z (see col. 5, lines 51-67).

In regards to claim 6,

Allewaert et al. teaches that the linking groups can be alkylene, aralkylene, arylene, sulfonamide, carbonyloxy, urethaneylene (see col. 4, lines 58-64).

In regards to claim 7,

The fluorochemical can comprise a diisocyanate or isocyanate blocking agent (see col. 7, lines 66-67).

In regards to claim 8,

The non-woven substrate can be made of cellulose fibers (see col. 10, line 18).

In regards to claim 11,

The fluorinated monomer has a methyl group (see col. 5, lines 30-31).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Allewaert et al. as applied to claim 1 in view of Weber et al. (US 5441056).

Allewaert et al. fails to teach that the fluorochemical composition is applied to a surgical drape, gown, or a wrapping for surgical instruments as required by claim 9. However, it was well known in the art to apply such coatings to surgical gowns etc in order to provide a repellent barrier as taught by Weber et al. It would have been obvious to one having ordinary skill in the art to apply such coatings to these products because both teach applying the coatings to non woven webs and Weber et al. teaches specific types of non wovens that can be coated with the fluorochemical composition.

5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Allewaert et al. as applied above in further view of Behr et al. (US 6048952).

Allewaert et al. fails to teach that the fluorochemical composition is applied to a a rain or outer wear garment as required by claim 9. However, it was well known in the art to apply such coatings to rain or outer wear garment in order to provide a repellent barrier as taught by Behr et al. It would have been obvious to one having ordinary skill in the art to apply such coatings to these products because both teach applying the coatings to textiles and Weber et al. teaches specific types of textiles that can be coated with the fluorochemical composition.

Response to Arguments

6. Applicant's arguments filed 3/11/2008 have been fully considered but they are not persuasive. The applicant argues that the Allewaert et al. reference fails to teach the use of an aqueous emulsion. However, as stated above col. 9, line 17, clearly states that the preferred is an aqueous emulsion of the fluorochemical composition. The applicant further argues that Allewaert et al. teaches a broad range of carbons in the R group, however, Allewaert et al. teaches a range where an endpoint overlaps or is the same as the claimed range therefore the claim is anticipated.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CACHET I. SELLMAN whose telephone number is (571)272-0691. The examiner can normally be reached on Monday through Friday, 7:00 - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on 571-272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Cachet I Sellman
Examiner
Art Unit 1792

cis

/William Phillip Fletcher III/
for Timothy H. Meeks, SPE of Art Unit 1792/1700